

*Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections*

2018-09 Opinion

The Special Committee on Judicial Election Campaign Intervention received a request for an opinion on the following issue:

Candidate E was elected to the Mississippi Court of Appeals in November 2012 and served from January 7, 2013 to January 2, 2017. She has asked for guidance on using signs that were used in a prior election and contain the words “Re-Elect” Candidate E. She asked these questions:

1. May I keep “Re-elect” on the sign and add the language “served on the Mississippi Court of Appeals from January 7, 2013 to January 2, 2017.”
2. Must I paint over the “Re-“ so the sign would only have “Elect [Candidate E].”

Canon 5A(3)(d)(iii) of the Code of Judicial Conduct provides that “[a] candidate for judicial office shall not knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.”

In Opinion 2010-2, the Special Committee determined:

The Special Committee has been asked whether a candidate who was formerly a judge may use a judicial title in a campaign when the candidate is not currently a judge. In Opinion 2006-2, the Committee looked to Canon 5A(3)(d)(iii) which prohibits misrepresentation of a candidate's qualifications. With respect to the use of the title “judge,” it said “The campaign material must clearly identify the circumstances justifying use of the title, including the judgeship currently held. The use of the title cannot be misleading, cannot misrepresent the candidate's present position, and must make clear to the voting public that the candidate is not a judge of the court for which the candidate is currently seeking election.”

Under this opinion, if the candidate is not currently a judge, then the candidate’s use of the title “judge” is misleading if the candidate does not also indicate that the candidate is not currently a judge. The candidate could satisfy this requirement in a number of ways, including use of the word “former” or an indication of the years in which the candidate actually served as a judge.

The Special Committee adopts Opinion 2010-2 and is of the opinion that you may use the term “Re-elect” along with the statement “served on the Mississippi Court of Appeals from January 7, 2013 to January 2, 2017.”

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

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